

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

FILED
IN OPEN COURT
MAY 14 1998

U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

UNITED STATES OF AMERICA

v.

No. LR-CR-97-243(2)

DANIEL LEWIS LEE,
a/k/a Daniel Lewis Graham, et al.

SPECIAL VERDICT FORM NO. 3
SARAH POWELL MURDER

I. AGE OF DEFENDANT

Instructions: Answer "YES" or "NO." Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that DANIEL LEWIS LEE was eighteen years of age or older at the time he killed Sarah Powell, that being January 11, 1996?

YES

NO

Foreperson

Instructions: If you answered "NO" with respect to the determination in this section, Section I, then stop your deliberations, cross out Sections II, III, IV, V, and VI of this form, and proceed to Section VII. Each juror should then carefully read the

statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to the determination in this section, Section I, proceed to Section II which follows.

II. REQUISITE MENTAL STATE

Instructions: Answer "YES" or "NO." You must find one or more of the requisite mental states.

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that DANIEL LEWIS LEE intentionally killed Sarah Powell?

YES _____

NO _____

Foreperson

(B) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that DANIEL LEWIS LEE intentionally participated in an act, contemplating that the life of Sarah Powell would be taken, or intending that lethal force would be used against Sarah Powell, and Sarah Powell died as a direct result of that act?

YES _____

NO _____

Foreperson _____

(C) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that DANIEL LEWIS LEE intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to Sarah Powell, and that participation in the act constituted a reckless disregard for human life and Sarah Powell died as a direct result of the act?

YES _____

NO _____

Foreperson _____

Instructions: If you answered "NO" with respect to all of the determinations in this section, Section II, then stop your deliberations, cross out Sections III, IV, V, and VI, and proceed to Section VII. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to one or more of the mental state determinations in this section, Section II, then proceed to Section III which follows.

III. STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following, answer "YES" or "NO." Do you, the jury, unanimously find that the government has established the existence of the following aggravating factor or factors beyond a reasonable doubt:

(A) That DANIEL LEWIS LEE committed the offense of murdering Sarah Powell in the expectation of receiving something of pecuniary value?

YES ✓

NO _____

Foreperson

(B) That DANIEL LEWIS LEE committed the offense of murdering Sarah Powell after substantial planning and premeditation?

YES _____
NO ✓

Foreperson _____

(C) That Sarah Powell was a particularly vulnerable victim due to her youth, that being eight years old?

YES ✓
NO _____

Foreperson _____

(D) That DANIEL LEWIS LEE intentionally killed more than one person in a single criminal episode?

YES ✓
NO _____

Foreperson _____

Instructions: If you answered “NO” with respect to all of the Statutory Aggravating Factors in this section, Section III, then stop your deliberations, cross out Sections IV, V, and VI, and proceed to Section VII of this form. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you found the requisite age in Section I, one or more of the requisite mental states in Section II, and answered “YES” with respect to one or more of the statutory aggravating factors in this section, Section III, proceed to Section IV which follows.

IV. NON-STATUTORY AGGRAVATING FACTOR - FUTURE DANGEROUSNESS

Instructions: Answer “YES” or “NO.” Do you, the jury, unanimously find that the government has established the existence of the following aggravating factor beyond a reasonable doubt:

That DANIEL LEWIS LEE’s (a) involvement in the murder of Joseph John Wavra on or about July 24, 1990, in Oklahoma City, Oklahoma; (b) misdemeanor conviction of carrying a concealed weapon in Martin County, Florida, on May 3, 1995; and (c) lack of remorse, as evidenced by his statements made to Gloria Kehoe,

establish that DANIEL LEWIS LEE would be a danger in the future to the lives and safety of other persons?

YES

NO

Foreperson

Instructions: Regardless of whether you answered "YES" or "NO" with respect to any Non-Statutory Aggravating Factor in this Section IV, proceed to Section V, which follows.

V. MITIGATING FACTORS

Instructions: For each of the following mitigating factors, indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence.

A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such a factor established in considering whether or not a sentence of death shall be imposed, regardless of the number of other jurors who agree that the factor has been established.

Defendant DANIEL LEWIS LEE alleges the following mitigating factors:

1. Mr. Lee's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was impaired, regardless of whether his capacity was so impaired as to constitute a defense to the charge.

Number of jurors, if any, who so find 0.

2. Mr. Lee was under duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

Number of jurors, if any, who so find 0.

3. Mr. Lee does not have a significant prior criminal record, other than his juvenile record.

Number of jurors, if any, who so find 0.

4. Mr. Lee committed the killing or killings under mental or emotional disturbance.

Number of jurors, if any, who so find 0.

5. Another person, equally culpable in the crimes, will not be punished by death.

Number of jurors, if any, who so find 3.

6. Mr. Lee was subjected to emotional and physical abuse, abandonment, and neglect as a child and was deprived of the parental guidance and protection which he needed.

Number of jurors, if any, who so find 6.

7. Mr. Lee suffers from neurological impairments which were identified and

which could have been treated when he was a child and adolescent.

Number of jurors, if any, who so find 0.

8. Mr. Lee suffers from brain dysfunction which has impaired his ability to function in the absence of strong support and guidance.

Number of jurors, if any, who so find 0.

9. Mr. Lee was introduced to drugs and alcohol while still a child.

Number of jurors, if any, who so find 0.

10. Mr. Lee needs a structured environment and would likely benefit from the structure of a prison.

Number of jurors, if any, who so find 1.

11. Mr. Lee was only 22 years old when the murders were committed.

Number of jurors, if any, who so find 0.

12. Mr. Lee is a follower and was under the influence of Chevie Kehoe, and possibly others, at the time of the offense.

Number of jurors, if any, who so find 0.

13. Other persons were involved in this racketeering enterprise and conspiracy who will, under the law, receive no sentence or substantially less punishment or were not prosecuted.

Number of jurors, if any, who so find 3.

14. Kirby Kehoe was involved in the planning of the 1996 burglary of the Muellers.

Number of jurors, if any, who so find 2.

The following extra spaces are provided to write in additional mitigating factors, if any, found by any one or more of the jurors. If none, write "NONE" and line out the extra spaces with a large "X." If more space is needed, write "CONTINUED" and use the reverse side of this page.

Number of jurors who so find _____.

Number of jurors who so find _____.

Number of jurors who so find _____.

Number of jurors who so find _____.

Number of jurors who so find _____.

Instructions: Proceed to Section VI and Section VII which follow.

VI. DETERMINATION

Based upon consideration of whether the aggravating factor or factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of any mitigating factors, whether the aggravating factor or factors are themselves sufficient to justify a sentence of death:

(A). **Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed for the murder of Sarah Powell.

YES

NO

If you answered "YES," sign your names here, and then proceed to Section VII.

If you answered "NO," the foreperson alone should sign, and you should proceed to Section VI, (B).

Date: 5-14-77

(B). Sentence of Life in Prison Without Possibility of Release

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed for the murder of Sarah Powell.

YES _____

NO _____

If you answered "YES," sign your names here, and then proceed to Section VII.
If you answered "NO," the foreperson alone should sign, and you should proceed to Section VII.

Foreperson

Date: _____

VII. CERTIFICATION

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence for the crime in question regardless of the race, color, religious beliefs, national origin, or sex of the defendant or the victim.

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FOR THE EASTERN DISTRICT OF ARKANSAS
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No. LR-CR-97-243(2)

U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

DANIEL LEWIS LEE,
a/k/a Daniel Lewis Graham, et al.

SPECIAL VERDICT FORM NO. 1
WILLIAM MUELLER MURDER

I. AGE OF DEFENDANT

Instructions: Answer "YES" or "NO." Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that DANIEL LEWIS LEE was eighteen years of age or older at the time he killed William Mueller, that being January 11, 1996?

YES

NO

Foreperson

Instructions: If you answered "NO" with respect to the determination in this section, Section I, then stop your deliberations, cross out Sections II, III, IV, V, and VI of this form, and proceed to Section VII. Each juror should then carefully read the

statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to the determination in this section, Section I, proceed to Section II which follows.

II. REQUISITE MENTAL STATE

Instructions: Answer "YES" or "NO." You must find one or more of the requisite mental states.

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that DANIEL LEWIS LEE intentionally killed William Mueller?

YES _____

NO _____

Foreperson

(B) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that DANIEL LEWIS LEE intentionally participated in an act, contemplating that the life of William Mueller would be taken, or intending that lethal force would be used against William Mueller, and William Mueller died as a direct result of that act?

YES _____

NO _____

Foreperson

(C) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that DANIEL LEWIS LEE intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to William Mueller, and that participation in the act constituted a reckless disregard for human life and William Mueller died as a direct result of the act?

YES _____

NO _____

Foreperson

Instructions: If you answered "NO" with respect to all of the determinations in this section, Section II, then stop your deliberations, cross out Sections III, IV, V, and VI, and proceed to Section VII. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to one or more of the mental state determinations in this section, Section II, then proceed to Section III which follows.

III. STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following, answer "YES" or "NO." Do you, the jury, unanimously find that the government has established the existence of the following aggravating factor or factors beyond a reasonable doubt:

(A) That DANIEL LEWIS LEE committed the offense of murdering William Mueller in the expectation of receiving something of pecuniary value?

YES _____

NO _____

Foreperson _____

(B) That DANIEL LEWIS LEE committed the offense of murdering William Mueller after substantial planning and premeditation?

YES _____

NO _____

Foreperson

(C) That DANIEL LEWIS LEE intentionally killed more than one person in a single criminal episode?

YES _____

NO _____

Foreperson

Instructions: If you answered "NO" with respect to all of the Statutory Aggravating Factors in this section, Section III, then stop your deliberations, cross out Sections IV, V, and VI, and proceed to Section VII of this form. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you found the requisite age in Section I, one or more of the requisite mental states in Section II, and answered "YES" with respect to one or more of the statutory aggravating factors in this section, Section III, proceed to Section IV which follows.

IV. NON-STATUTORY AGGRAVATING FACTOR - FUTURE DANGEROUSNESS

Instructions: Answer "YES" or "NO." Do you, the jury, unanimously find that the government has established the existence of the following aggravating factor beyond a reasonable doubt:

That DANIEL LEWIS LEE's (a) involvement in the murder of Joseph John Wavra on or about July 24, 1990, in Oklahoma City, Oklahoma; (b) misdemeanor conviction of carrying a concealed weapon in Martin County, Florida, on May 3, 1995; and (c) lack of remorse, as evidenced by his statements made to Gloria Kehoe, establish that DANIEL LEWIS LEE would be a danger in the future to the lives and safety of other persons?

YES

NO

Foreperson

Instructions: Regardless of whether you answered “YES” or “NO” with respect to the Non-Statutory Aggravating Factor in this Section IV, proceed to Section V, which follows.

V. MITIGATING FACTORS

Instructions: For each of the following mitigating factors, indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence.

A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such a factor established in considering whether or not a sentence of death shall be imposed, regardless of the number of other jurors who agree that the factor has been established.

Defendant DANIEL LEWIS LEE alleges the following mitigating factors:

1. Mr. Lee’s capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was impaired, regardless of whether his capacity was so impaired as to constitute a defense to the charge.

Number of jurors, if any, who so find 0.

2. Mr. Lee was under duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

Number of jurors, if any, who so find 0.

3. Mr. Lee does not have a significant prior criminal record, other than his juvenile record.

Number of jurors, if any, who so find 0.

4. Mr. Lee committed the killing or killings under mental or emotional disturbance.

Number of jurors, if any, who so find 0.

- ⑤ Another person, equally culpable in the crimes, will not be punished by death.

Number of jurors, if any, who so find 3.

6. Mr. Lee was subjected to emotional and physical abuse, abandonment, and neglect as a child and was deprived of the parental guidance and protection which he needed.

Number of jurors, if any, who so find 3.

7. Mr. Lee suffers from neurological impairments which were identified and which could have been treated when he was a child and adolescent.

Number of jurors, if any, who so find 0.

8. Mr. Lee suffers from brain dysfunction which has impaired his ability to function in the absence of strong support and guidance.

Number of jurors, if any, who so find 0.

9. Mr. Lee was introduced to drugs and alcohol while still a child.

Number of jurors, if any, who so find 0.

- ⑩ Mr. Lee needs a structured environment and would likely benefit from the structure of a prison.

Number of jurors, if any, who so find 1.

- ⑪ Mr. Lee was only 22 years old when the murders were committed.

Number of jurors, if any, who so find 0.

12. Mr. Lee is a follower and was under the influence of Chevie Kehoe, and possibly others, at the time of the offense.

Number of jurors, if any, who so find 0.

- ⑬ Other persons were involved in this racketeering enterprise and conspiracy who will, under the law, receive no sentence or substantially less punishment or were not prosecuted.

Number of jurors, if any, who so find 3.

- ⑭ Kirby Kehoe was involved in the planning of the 1996 burglary of the Muellers.

Number of jurors, if any, who so find 2.

The following extra spaces are provided to write in additional mitigating factors, if any, found by any one or more of the jurors. If none, write "NONE" and line out the extra spaces with a large "X." If more space is needed, write "CONTINUED" and use the reverse side of this page.

Number of jurors who so find _____.

Number of jurors who so find _____.

Number of jurors who so find _____.

Number of jurors who so find _____.

Number of jurors who so find _____.

Instructions: Proceed to Section VI and Section VII which follow.

VI. DETERMINATION

Based upon consideration of whether the aggravating factor or factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of any mitigating factors, whether the aggravating factor or factors are themselves sufficient to justify a sentence of death:

(A). Death Sentence

We determine, by unanimous vote, that a sentence of death shall be imposed for the murder of William Mueller.

YES

NO

If you answered "YES," sign your names here and then proceed to Section VII.
If you answered "NO," the foreperson alone should sign, and you should proceed to Section VI, (B):

Foreperson

Date: 5-14-99

(B). Sentence of Life in Prison Without Possibility of Release

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed for the murder of William Mueller.

YES _____

NO _____

If you answered "YES," sign your names here, and then proceed to Section VII.

If you answered "NO," the foreperson alone should sign, and you should proceed to Section VII.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

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IN OPEN COURT
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U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

UNITED STATES OF AMERICA

v.

No. LR-CR-97-243(2)

DANIEL LEWIS LEE,
a/k/a Daniel Lewis Graham, et al.

SPECIAL VERDICT FORM NO. 2
NANCY MUELLER MURDER

I. AGE OF DEFENDANT

Instructions: Answer "YES" or "NO." Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that DANIEL LEWIS LEE was eighteen years of age or older at the time he killed Nancy Mueller, that being January 11, 1996?

YES

NO

Foreperson

Instructions: If you answered "NO" with respect to the determination in this section, Section I, then stop your deliberations, cross out Sections II, III, IV, V, and VI of this form, and proceed to Section VII. Each juror should then carefully read the

statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to the determination in this section, Section I, proceed to Section II which follows.

II. REQUISITE MENTAL STATE

Instructions: Answer "YES" or "NO." You must find one or more of the requisite mental states.

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that DANIEL LEWIS LEE intentionally killed Nancy Mueller?

YES

NO

Foreperson

(B) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that DANIEL LEWIS LEE intentionally participated in an act, contemplating that the life of Nancy Mueller would be taken, or intending that lethal force would be used against Nancy Mueller, and Nancy Mueller died as a direct result of that act?

YES _____

NO _____

Foreperson

(C) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that DANIEL LEWIS LEE intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to Nancy Mueller, and that participation in the act constituted a reckless disregard for human life and Nancy Mueller died as a direct result of the act?

YES _____

NO _____

Foreperson

Instructions: If you answered "NO" with respect to all of the determinations in this section, Section II, then stop your deliberations, cross out Sections III, IV, V, and VI, and proceed to Section VII. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to one or more of the mental state determinations in this section, Section II, then proceed to Section III which follows.

III. STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following, answer "YES" or "NO." Do you, the jury, unanimously find that the government has established the existence of the following aggravating factor or factors beyond a reasonable doubt:

(A) That DANIEL LEWIS LEE committed the offense of murdering Nancy Mueller in the expectation of receiving something of pecuniary value?

YES ✓

NO _____

Foreperson

(B) That DANIEL LEWIS LEE committed the offense of murdering Nancy Mueller after substantial planning and premeditation?

YES _____

NO _____

Foreperson

(C) That DANIEL LEWIS LEE intentionally killed more than one person in a single criminal episode?

YES _____

NO _____

Foreperson

Instructions: If you answered "NO" with respect to all of the Statutory Aggravating Factors in this section, Section III, then stop your deliberations, cross out Sections IV, V, and VI, and proceed to Section VII of this form. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you found the requisite age in Section I, one or more of the requisite mental states in Section II, and answered "YES" with respect to one or more of the statutory aggravating factors in this section, Section III, proceed to Section IV which follows.

IV. NON-STATUTORY AGGRAVATING FACTOR - FUTURE DANGEROUSNESS

Instructions: Answer "YES" or "NO." Do you, the jury, unanimously find that the government has established the existence of the following aggravating factor beyond a reasonable doubt:

That DANIEL LEWIS LEE's (a) involvement in the murder of Joseph John Wavra on or about July 24, 1990, in Oklahoma City, Oklahoma; (b) misdemeanor conviction of carrying a concealed weapon in Martin County, Florida, on May 3, 1995; and (c) lack of remorse, as evidenced by his statements made to Gloria Kehoe, establish that DANIEL LEWIS LEE would be a danger in the future to the lives and safety of other persons?

YES _____
NO _____

For person

Instructions: Regardless of whether you answered “YES” or “NO” with respect to the Non-Statutory Aggravating Factor in this Section IV, proceed to Section V, which follows.

V. MITIGATING FACTORS

Instructions: For each of the following mitigating factors, indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence.

A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such a factor established in considering whether or not a sentence of death shall be imposed, regardless of the number of other jurors who agree that the factor has been established.

Defendant DANIEL LEWIS LEE alleges the following mitigating factors:

1. Mr. Lee’s capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was impaired, regardless of whether his capacity was so impaired as to constitute a defense to the charge.

Number of jurors, if any, who so find 0.

2. Mr. Lee was under duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

Number of jurors, if any, who so find 0.

3. Mr. Lee does not have a significant prior criminal record, other than his juvenile record.

Number of jurors, if any, who so find 0.

4. Mr. Lee committed the killing or killings under mental or emotional disturbance.

Number of jurors, if any, who so find 0.

5. Another person, equally culpable in the crimes, will not be punished by death.

Number of jurors, if any, who so find 3.

6. Mr. Lee was subjected to emotional and physical abuse, abandonment, and neglect as a child and was deprived of the parental guidance and protection which he needed.

Number of jurors, if any, who so find 6.

7. Mr. Lee suffers from neurological impairments which were identified and which could have been treated when he was a child and adolescent.

Number of jurors, if any, who so find 0.

8. Mr. Lee suffers from brain dysfunction which has impaired his ability to function in the absence of strong support and guidance.

Number of jurors, if any, who so find 0.

9. Mr. Lee was introduced to drugs and alcohol while still a child.

Number of jurors, if any, who so find 0.

10. Mr. Lee needs a structured environment and would likely benefit from the structure of a prison.

Number of jurors, if any, who so find 1.

11. Mr. Lee was only 22 years old when the murders were committed.

Number of jurors, if any, who so find 0.

12. Mr. Lee is a follower and was under the influence of Chevie Kehoe, and possibly others, at the time of the offense.

Number of jurors, if any, who so find 0.

13. Other persons were involved in this racketeering enterprise and conspiracy who will, under the law, receive no sentence or substantially less punishment or were not prosecuted.

Number of jurors, if any, who so find 3.

14. Kirby Kehoe was involved in the planning of the 1996 burglary of the Muellers.

Number of jurors, if any, who so find 2.

The following extra spaces are provided to write in additional mitigating factors, if any, found by any one or more of the jurors. If none, write "NONE" and line out the extra spaces with a large "X." If more space is needed, write "CONTINUED" and use the reverse side of this page.

Number of jurors who so find _____.

Number of jurors who so find _____.

Number of jurors who so find _____.

Number of jurors who so find _____.

Number of jurors who so find _____.

Instructions: Proceed to Section VI and Section VII which follow.

VI. DETERMINATION

Based upon consideration of whether the aggravating factor or factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of any mitigating factors, whether the aggravating factor or factors are themselves sufficient to justify a sentence of death:

(A). Death Sentence

We determine, by unanimous vote, that a sentence of death shall be imposed for the murder of Nancy Mueller.

YES

NO

If you answered "YES," sign your names here and then proceed to Section VII.

If you answered "NO," the foreperson alone should sign, and you should proceed to Section VI, (B):

Foreperson

Date: 5-14-99

(B). Sentence of Life in Prison Without Possibility of Release

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed for the murder of Nancy Mueller.

YES _____

NO _____

If you answered "YES," sign your names here, and then proceed to Section VII.

If you answered "NO," the foreperson alone should sign, and you should proceed to Section VII.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Foreperson

Date: _____

VII. CERTIFICATION

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence for the crime in question regardless of the race, color, religious beliefs, national origin, or sex of the defendant or the victim.

Foreperson

Date: _____

5-14-99